IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 9TH APRIL 2007 / 19TH CHAITHRA 1929

WP(C).No. 3699 of 2007(M)

PETITIONER:

M.INDU, D/O. MADHAVAN PILLAI,
AGED 38 YEARS, HIGH SCHOOL ASSISTANT (MATHS),
HIGH SCHOOL FOR BOYS, PUNALUR,
P.O.VALACODE, KOLLAM DISTRICT.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:
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1. THE STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, SECRETARIAT, TRIVANDRUM.

2. THE DIRECTOR OF PUBLIC INSTRUCTION, JAGATHY, TRIVANDRUM - 14.

3. THE DISTRICT EDUCATIONAL OFFICER, PUNALUR, KOLLAM DISTRICT.

4. THE MANAGER, PATHANAPURAM TALUK SAMAJAM SCHOOLS, PUNALUR, KOLLAM DISTRICT.

R1 TO R3 BY GOVERNMENT PLEADER (HRI A. J. VARGHESE)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 3699 OF 2007 M

Dated this the 9th April, 2007

JUDGMENT

The prayers in the Writ Petition are for a direction to third respondent DEO to implement Ext.P7 Order, and for a further direction to approve the appointment of petitioner as HSA (Maths) from 2.7.2001 onwards and to disburse salary and allowances to her in the scale of HSA (Maths). By Ext.P7 order, it is stated as follows:

> *"Government have examined the case in detail. The Manager had neither appointed Smt. Indu on 6.6.01 nor had she held the post from 6.6.01 to 1.7.01. Hence her request to approve her appointment with effect from 6.6.2001 cannot be accepted. However, in view of the above facts, Govt. are pleased to order that the appointment of Smt. M. Indu as HSA (Maths) in GHS, Punalur with effect from 2/7/2001 be approved."*

Complaint of petitioner is that Ext.P7 order is not being implemented. In the Statement filed by third respondent DEO, it

is, inter alia, stated that a clarification was requested to Government vide letter dated 28.12.2006 from the Office of the District Educational Officer and reply is awaited. The matter was adjourned on a number of occasions for getting instructions as to whether any clarification was received. Learned Government Pleader submits that no further instructions from the Government are received. In such circumstances, the Writ Petition is disposed of directing the third respondent to implement Ext.P7 order, which is an order passed in exercise of the powers under Rule 92 Chapter XIV A KER within a period of ten weeks from the date of receipt of a copy of this Judgment.

K. M. JOSEPH, JUDGE

kbk.